UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:12-cv-557

THE UNITED STATES OF AMERICA,)
Plaintiff, v.))) JOINT MOTION TO DISMISS
STATE OF NORTH CAROLINA,) WITHOUT PREJUDICE AND RETAIN JURISDICTION
Defendant.)

The United States, Plaintiff, and the State of North Carolina, Defendant (collectively, the "Parties"), having entered into a Settlement Agreement, jointly move this Court for entry of an Order conditionally dismissing this action, without prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and move that the Court retain jurisdiction to enforce the Settlement Agreement in accordance with its terms for the duration of the Agreement. By filing this motion, Defendant specifically does not waive its right to file an Answer and assert any affirmative defenses that may be available to it in the event that the Settlement Agreement becomes null and void and the United States elects to revive any claims otherwise barred by operation of the Settlement Agreement. The Settlement Agreement is attached as Exhibit A.

This 23rd day of August, 2012. Respectfully submitted,

FOR THE UNITED STATES:

<u>/s/ Thomas G. Walker</u>

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UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:12-cv-557

THE UNITED STATES OF AMERICA,))
Plaintiff, v.)))
STATE OF NORTH CAROLINA,) <u>CERTIFICATE OF SERVICE</u>
Defendant.)

I hereby certify that on August 23, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed the document to Lisa Granberry Corbett, attorney for the State of North Carolina.

Respectfully submitted,

<u>/s/ Joy Levin Welan_</u>

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